

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

*** CRIMINAL DOCKET NO. 07-364**

V.

*** SECTION: "S" (5)**

FRANKLIN OMAR CRUZ VELASQUEZ *

also known as Franklin Cruz

*** * ***

FACTUAL BASIS

_____Should this matter have gone to trial, the government would have proven, through the introduction of competent testimony and admissible, tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the indictment now pending against the defendant:

The Defendant, **FRANKLIN OMAR CRUZ VELASQUEZ** (hereinafter "**CRUZ-VELASQUEZ**") has agreed to plead guilty to the one-count indictment that charges him with illegal reentry of a deported alien in violation of Title 8, United States Code, Section 1326(a).

A Special Agent with Immigration and Customs Enforcement would testify that on September 4, 2007 he found the defendant **CRUZ VELASQUEZ** in Orleans Parish Prison within the Eastern District of Louisiana. Upon questioning the defendant, the ICE

special agent determined that the defendant was a citizen of Honduras and was illegally in this country. The agent confirmed this status through the ICE computer database. After determining the defendant was illegally in the country, the defendant was transferred into federal deportation custody on September 4, 2007.

Documentation from the records of ICE would demonstrate a Warrant of Removal/Deportation, complete with the defendant's fingerprints and signature, demonstrates that the defendant **CRUZ VELASQUEZ** was deported from Houston, Texas to Honduras on June 26, 2003. A qualified ICE special agent would testify that the fingerprints of the defendant in file with the Warrant of Removal/Deportation and the fingerprints of the defendant are the same.

A Certificate of Non-Existence of Record would show that the defendant **CRUZ VELASQUEZ** did not receive consent from the United States Attorney General or his designated successor, the Secretary of the Department of Homeland Security, to apply for readmission or receive permission to reenter the United States since the time of the defendant's previous deportation.

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| W. SCOTT LARAGY Assistant United States Attorney LA Bar Roll No. 25755 | Date |
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|------------------------------|------|
| FRANKLIN OMAR CRUZ VELASQUEZ | Date |
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| SARAH E. STONE Attorney for Defendant LA Bar Roll No. 30966 | Date |
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